

### REMARKS

Applicant's attorney thanks the Examiner for his comments in the Office Action of 24 November 2002. Claim 21 has been amended to include the limitations of previous claim 27, which was held to recite allowable subject matter. Claim 27 has been canceled. Claims 21 and 28 have been further amended to overcome the rejection under 35 U.S.C. § 112, second paragraph. New claims 29-40 have been added.

The rejection of claims 21-28 under 35 U.S.C. § 112, second paragraph, is respectively traversed. In claim 21, the phrase "extracted particulates" has been replaced with "extracted particulate materials," and the phrase "for reuse" has been deleted. In claim 28, the phrase "supply of cooking oil" has been replaced with "source of oil." These amendments are believed to overcome the objections raised by the Examiner.

The rejection of claims 21-25 and 28 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent 3,599,861 (DeMartini) is respectfully traversed. Amended claim 21 includes the limitations of previous claim 27, which was held to recite allowable subject matter. Claims 22-25 and 28 depend from claim 21, and should be allowable for at least the same reasons.

Serial No.: 09/841,693

The rejection of claims 21, 22 and 24-26 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent 4,913,922 (Hawkes et al.) is respectfully traversed. Again, amended claim 1 includes the limitations of previous claim 27, held to recite allowable subject matter. Claims 22 and 24-26 depend from claim 21, and should be allowable for at least the same reasons.

The rejection of claim 23 under 35 U.S.C. § 103(c) as obvious over Hawkes et al. in view of U.S. Patent 5,253,567 (Gunawardena) is respectfully traversed. Claim 23 depends from amended claim 21, and should be allowable for at least the same reasons.

New claims 29-40 (including independent claims 29 and 35, and the remaining dependent claims) are also believed to be allowable over the prior art cited by the Examiner. Independent claim 29 is directed to a method of treating used cooking oil, and recites inter alia the steps of transporting used cooking oil from a frying apparatus, supplying the used cooking oil to a filter system at a flow rate between 10 and 40 gallons per minute, extracting particles at least as small as 25 microns in size from the used cooking oil, and transporting the used cooking oil from the filter system and back to the frying apparatus.

DeMartini discloses a process of making new olive oil from olives. The disclosed process does not include a frying apparatus, and the disclosure does not

include the volume rates or particle size limitations recited in claim 29. The disclosed process is tailored to separating a mixture of oil, water and solids from each other. The disclosed process is inapplicable to the filtering of used cooking oil which, subsequent to frying, would not contain water. Presumably, the disclosed process would operate at volume rates typical of olive oil manufacturing processes in the late 1960's. There is no reason to believe that such volume rates would overlap with the claimed range of 10 to 40 gallons per minute, the latter being tailored to the rate at which cooking oil is used in commercial frying processes.

Hawkes et al. discloses a method of purifying cooking oil which, however, is designed mainly to remove large particles from the oil. As best exemplified in claim 1 of Hawkes et al., the process includes a step for comminuting particles greater than 170 microns in diameter, only to a size which is less than 170 microns in diameter (Col. 10 lines 7-30). There is no disclosure of a process which extracts particles at least as small as 25 microns in diameter, as required by Applicant's claim 29. Also, the disclosed process is designed to filter oil only at a rate of 500-1000 gallons per day, which is 0.35 to 0.70 gallons per minute. In addition to filtering much smaller particles, Applicant's claimed process operates at much higher volumes of 10-40 gallons per minute.


Serial No.: 09/841,693

New independent claim 35 is directed to a method of treating used cooking oil, and recites inter alia the steps of transporting used cooking oil from a frying apparatus which includes a plurality of frying systems, extracting particles at least as small as 25 microns in size from the used cooking oil, and transporting the used cooking oil from the filter system and back to the frying apparatus. As explained above, DeMartini does not disclose a frying apparatus, and is instead tailored to making new olive oil from an oil, water and solids combination. There is no suggestion that the process would extract particles at least as small as 25 microns in diameter, from hot cooking oil generated by a plurality of frying systems. Hawkes et al. discloses a process which operates at very low rates of 500-1000 gallons per day (0.35 to 0.70 gallons per minute), which is not fast enough to sustain or keep up with the operation of a frying apparatus including a plurality of frying systems. Also, as explained above, Hawkes et al. is primarily directed to removing much larger particles than the 25-micron or smaller size required by claim 35.

Applicant believes that the claims, as now presented, are in condition for allowance. If the Examiner feels that any issues remain unresolved, then Applicant's attorney respectfully requests a telephone call and telephone interview with the Examiner.

Serial No.: 09/841,693

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Maxwell J. Petersen". The signature is fluid and cursive, with the first name "Maxwell" being more prominent.

Maxwell J. Petersen  
Registration No. 32,772

Pauley Petersen & Erickson  
2800 West Higgins Road; Suite 365  
Hoffman Estates, Illinois 60195  
TEL (847) 490-1400  
FAX (847) 490-1403